

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Rainey	Examiner:	Novosad, C.
Serial No.:	09/339,132	Group Art Unit:	3671
Issued:	June 24, 1999	Docket No.:	03616.0237USII
Title:	SEGMENTAL RETAINING WALL SYSTEM		

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**SECOND REQUEST FOR CERTIFICATE OF CORRECTION**

Mail Stop Decision and Certificates  
of Correction Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The assignee respectfully request that a Certificate of Correction be issued correcting printing errors appearing in the above-identified United States patent. One copy of the text of the Certificate in the suggested form is enclosed.

As none of the errors listed is due to Applicant's mistake, no fee is necessary in connection with this Certificate.

Issuance of the Certificate of Correction would neither expand nor contract the scope of the claims, and re-examination is not required.

**Statement of Undisputed Facts**

1. Attached as Exhibit A is a photocopy of a Preliminary Amendment mailed on January 21, 2000, along with a stamped postcard receipt bearing a receipt date by the PTO of January 24, 2000. Page 2 of the Amendment shows an amendment to the specification that deletes the entire paragraph entitled "CROSS-REFERENCE TO RELATED APPLICATION."
2. Attached as Exhibit B is page 1 of the specification as filed, which shows the entire paragraph referred to as "CROSS-REFERENCE TO RELATED APPLICATION."

3. On October 25, 2005, the Assignee filed a Request for Certificate of Correction directing that the cross-reference to related application, setting forth the priority claim, be deleted, as was consistent with the Preliminary Amendment received by the PTO on January 24, 2000.

4. On July 18, 2007, the PTO denied the Request for Certificate of Correction filed October 25, 2005. The PTO stated that the request for Certificate of Correction was denied because a priority claim cannot be added or withdrawn after patenting.

5. The Assignee requested reconsideration of this denial in a paper filed August 7, 2007. The Assignee never received a response, and the image file wrapper in PAIR does not show that the PTO ever acted on the August 7, 2007 Request for Reconsideration.

#### Argument

The Preliminary Amendment submitted on January 21, 2000 and received by the PTO on January 24, 2000 had withdrawn the priority claim. This is clear by the directive to the PTO to delete the entire paragraph entitled "CROSS-REFERENCE TO RELATED APPLICATION." The Assignee was not attempting to add or withdraw a priority claim after patenting; rather, the assignee was merely requesting that the Certificate of Correction accurately reflect the actual PTO record, which shows in the file history that the priority claim was cancelled in the Preliminary Amendment submitted January 21, 2000.

Therefore, this claimed priority should have been deleted by the PTO upon entry of the January 21, 2000 Amendment.

The Assignee requests the PTO to issue a Certificate of Correction, as attached. If the PTO again denies this request for Certificate of Correction, the Assignee asks the PTO to explain why the Preliminary Amendment of January 21, 2000 was not effective in withdrawing the priority claim.

It is not believed that any fees are due. Nevertheless, the PTO is authorized to charge Deposit Account No. 13-2725 if there are fees due.

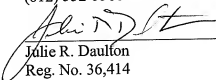
If the PTO believes a telephone conference would be helpful in resolving any outstanding issues in this patent, the PTO was invited to call the undersigned at the below-listed telephone number.

**23552**

PATENT TRADEMARK OFFICE

Date: July 5, 2008

Respectfully submitted,  
MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

  
Julie R. Daulton  
Reg. No. 36,414  
JRD:et

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	)	
	)	
Thomas L. Rainey	)	Group Art Unit: 3635
	)	
Serial No.: 09/339,132	)	Examiner: Not Yet Assigned
	)	
Filed: June 24, 1999	)	Docket No. 51810-1050
	)	
For: SEGMENTAL RETAINING	)	
WALL SYSTEM	)	

PRELIMINARY AMENDMENT

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

Applicant submits the following preliminary amendment. It is not believed that additional fees are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional fees are necessary, such fees are hereby authorized to be charged to our Deposit Account No. 20-0778.

CERTIFIED MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as "First Class Mail," in an envelope addressed to: Assistant Commissioner of Patents and Trademarks, Box Amendment, Washington, D.C. 20231 on July 14, 2000.

Signature: William H. Olson

EXHIBIT

A

Please amend the above-identified application as follows:

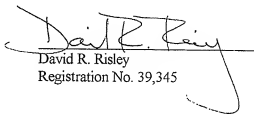
**In the Specification**

On page 1, line 3, please delete the entire paragraph entitled "**CROSS-REFERENCE TO RELATED APPLICATION**".

**CONCLUSION**

Applicant does not wish to claim priority to and the benefit of U.S. Patent Application Serial No. 09/049,627, filed March 27, 1998, for the present application. Should the Examiner have any questions regarding this amendment, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,



David R. Risley  
Registration No. 39,345

**THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.**

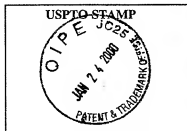
Suite 1500  
100 Galleria Parkway N.W.  
Atlanta, Georgia 30339  
(770) 933-9500

Serial No.: 091339,132 Filed: 6-24-99  
Patent No.: \_\_\_\_\_ Issued: \_\_\_\_\_  
TM/SM Reg.: \_\_\_\_\_ Registered: \_\_\_\_\_  
Applicant: Bayer  
Title: Modular Retaining Wall System  
Docket No.: 51810-1050 C/M Date: 1/21/00  
EM No.: \_\_\_\_\_ Due Date: \_\_\_\_\_

**PATENT AND TRADEMARK  
OFFICE STAMP HEREON  
ACKNOWLEDGES RECEIPT OF  
THE BELOW IDENTIFIED  
APPLICATION & PAPERS:**

Fees ☐ Check \$ \_\_\_\_\_  
☐ Deposit Account: \_\_\_\_\_  
\$ \_\_\_\_\_

- |  |   |
|--|---|
| <input type="checkbox"/> Missing Parts Response  | <input type="checkbox"/> Statement of Use & Declaration   |
| <input type="checkbox"/> Verified Small Entity Statement(s)<br>Under 37 CFR 1.9 and 1.27                         | <input type="checkbox"/> Specimen(s)  |
| <input type="checkbox"/> Declaration and Power of Attorney   | <input type="checkbox"/> Affidavit of Use _____ Specimens   |
| <input type="checkbox"/> Amendment   | <input type="checkbox"/> \$ 8 Only <input type="checkbox"/> §§ 8 & 15   |
| <input type="checkbox"/> <input type="checkbox"/> Non-Final <input type="checkbox"/> Final                       | <input type="checkbox"/> Application for Renewal  |
| <input checked="" type="checkbox"/> Preliminary Amendment ( <u>Second</u> )                                      | <input type="checkbox"/> TM <input type="checkbox"/> SM _____ Specimens   |
| <input type="checkbox"/> Petition for Extension of<br>Time to: <u>1/1</u>  | <input type="checkbox"/> Request for Extension of Time<br>to File Statement of Use - _____  |
| <input type="checkbox"/> Amendment Transmittal Page  |   |
| <input type="checkbox"/> Status Inquiry (in duplicate)   |   |
| <input type="checkbox"/> Assignment <input type="checkbox"/> Cover Sheet   | <input checked="" type="checkbox"/> Certificate of Mailing <input checked="" type="checkbox"/> Reg. <input type="checkbox"/> Exp. |
| <input type="checkbox"/> IDS/Form PTO-1449   | <input type="checkbox"/> _____ Sheets of Drawings   |
| <input type="checkbox"/> Copies of Cited Prior Art Docs.   | <input type="checkbox"/> <input type="checkbox"/> Formal <input type="checkbox"/> Informal  |
| <input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Duplicate                                | <input type="checkbox"/> Letter/Transmittal to Draftsman  |
| <input type="checkbox"/> Maintenance Fee Transmittal   | <input type="checkbox"/> <input type="checkbox"/> Prior to NOA <input type="checkbox"/> Within NOA                                |
| <input type="checkbox"/> <input type="checkbox"/> 3.5 <input type="checkbox"/> 7.5 <input type="checkbox"/> 11.5 | <input type="checkbox"/> Notice of Appeal   |
| <input type="checkbox"/> <input type="checkbox"/> in Duplicate   | <input type="checkbox"/> Appeal Brief   |
| <input type="checkbox"/> Terminal Disclaimer   | <input type="checkbox"/> Request for Refund   |
| <input type="checkbox"/> Request for Correction  | <input type="checkbox"/> Petition to Make Special   |
| <input type="checkbox"/> Other: _____  |   |



Initials of Person Mailing: DRR, AMO

## SEGMENTAL RETAINING WALL SYSTEM

### CROSS-REFERENCE TO RELATED APPLICATION

This is a continuation-in-part of U.S. Patent Application Serial No. 09/049,627, filed  
5 March 27, 1998.

### FIELD OF THE INVENTION

The invention relates generally to earth retaining walls. More particularly, the  
invention relates to a segmental retaining wall system comprising retaining means for  
10 attaching reinforcement members to the retaining wall.

### BACKGROUND OF THE INVENTION

Segmental retaining walls commonly are used for architectural and site  
development applications. Such walls are subjected to very high pressures exerted by  
15 lateral movements of the soil, temperature and shrinkage effects, and seismic loads.  
Therefore, the wall is often tied into the backfill soil, typically with tensile reinforcement  
members. Usually, elongated structures, commonly referred to as geogrids or  
reinforcement fabrics, are used to provide this reinforcement. Geogrids often are  
configured in a lattice arrangement and are constructed of a metal or plastic, while



**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

Page 1 of 1

PATENT NO. : 6,416,257 B1

APPLICATION NO.: 09/339,132

ISSUE DATE : Jul. 9, 2002

INVENTOR(S) : Rainey

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 1, lines 3 to 5, the sentence "This is a continuation-in-part of U.S. patent application Ser. No. 09/049,627, filed Mar. 27, 1998 now U.S. Pat. No. 6,089,793." should be deleted.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Julie Daulton, Merchant & Gould, P.C., 3200 IDS Center, 80 S. Eighth St., Minneapolis, MN 55402-2215

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*